

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HITUL GANDHI, individually and)
on behalf of a class of others similarly)
situated,)

Plaintiffs,)

v.)

Case No.: 08-CV-0248 LY

DELL INC. and)
DELL MARKETING USA, L.P.)

Defendants.)

JOINT MOTION FOR LEAVE TO FILE ADDITIONAL PAGES

COME NOW Plaintiffs and Defendants, by and through their counsel, to request additional pages for Plaintiffs' Motion for Conditional Collective and Class Action Certification, Defendants' Response to Plaintiffs' Motion for Conditional Collective and Class Action Certification, and Plaintiffs' Reply in Support of Plaintiffs' Motion. In support of their Joint Motion, the parties state:

1. Plaintiffs' Motion for Condition Collective and Class Action Certification is due January 30, 2009. Defendants' Response to Plaintiffs' Motion is due March 2, 2009. Plaintiffs' Reply in Support of their Motion is due March 17, 2009.

2. Under Local Rule CV-7(c) and (d), Plaintiffs' Motion and Defendants' Response are limited to ten (10) double-spaced pages, inclusive of any factual assertions, record citations, and legal authorities. Under the same provision at subsection (e), Plaintiffs' Reply is limited to five (5) double-spaced pages.

3. Because Plaintiffs intend to move for both collective action certification under section 216(b) of the Fair Labor Standards Act (“FLSA”) and class action certification under Fed. R. Civ. P. 23, Plaintiffs and Defendants require additional pages.¹

4. Accordingly, Plaintiffs request an additional thirty (30) additional pages for their Motion for Conditional Collective and Class Action Certification. Defendants request the same amount, an additional thirty (30) pages, for their Response to Plaintiffs’ Motion. Plaintiffs also request an additional fifteen (15) pages for their Reply in Support of Plaintiffs’ Motion.

5. The parties file this Motion for good cause. They are mindful of the expectation that briefing be concise and that a party’s primary authorities should be emphasized. However, given the complexity and breadth of the issues to be addressed, the additional pages requested herein are necessary to adequately address issues implicated by the parties’ filings.

WHEREFORE, the parties request the Court enter an Order granting their Motion for Leave to File Additional Pages and authorizing them to submit up to thirty (30) additional pages in support of (1) Plaintiffs’ Motion for Conditional Collective and Class Action Certification, and (2) Defendants’ Response to Plaintiffs’ Motion. Plaintiffs further request leave to submit up to fifteen (15) additional pages in support of their Reply in Support of Plaintiffs’ Motion.

¹ Although they are moving for conditional certification under the FLSA and class certification under Rule 23, Plaintiffs intend to submit one Motion for Conditional Collective and Class Action Certification for the Court’s consideration. Similarly, Plaintiffs intend to submit one Reply for the Court’s consideration.

Dated: January 28, 2009

Respectfully submitted,

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